

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3304 OF 2007

Samata Karmachari Sanghatana & Ors. .. Petitioners.

V/s.

The Nashik Municipal Corporation .. Respondents.

Mr. Umesh Mankapure for the Petitioners.

Mr.M.L.Patil for the Respondent.

**CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.**

DATED : 21st JUNE, 2007.

P.C. :-

. The petitioners by the present petition have firstly contended that the Government Resolution dated 4th of May, 2006 has not directed the Respondent to merge the lower cadre. On consideration of paragraph 9 of the said G.R. and after hearing the counsel for the respondent corporation, we are clearly of the view that para 9 has not resulted in any merger of the lower cadre.

2. The other contention, however, of the petitioners, is that they should be considered for

promotion to the higher posts of junior accountant. A reply affidavit has been filed by Jugansingh M. Dhakare, Dy. Commissioner (Administration), Nasik Municipal Corporation, Nasik. In the said affidavit it is pointed out that for consideration for appointment on promotion to the posts of Junior Auditor and Junior Accountant, the qualifications that are required are :

- i) Commerce Graduate with Account and Audit as Special Subject,
- ii) 10 years experience as a Senior Clerk of which 5 years experience of work in the Audit and Accounts Department.

3. From the averments of the petitioners in the petition, specifically paragraph 2, it is clear that the petitioners are still holding the posts of Jr. Clerk. Once that be the case, the petitioners No. 2 to 18 are not eligible for consideration to the posts of Junior Auditor/ Junior Accountant.

4. In the light of that, no interference is called for. The petition is rejected.

(F.I.REBELLO, J.)

(R.M.SAVANT, J.)

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